

**REMARKS**

Claims 1-17 are pending in this application. By this Amendment, claims 1- 8 and 10-17 are amended for form. No new matter is added.

Claims 1-17 are rejected under 35 U.S.C. §112, first and second paragraphs. By this Amendment, claims 1, 3, 8 and 10 are amended responsive to the rejection. Claims 2, 4-7, 9 and 11-17 are rejected only for their dependency from claims 1 and 8. Therefore, all pending claims comply with the requirements of 35 U.S.C. §112, first and second paragraphs. Withdrawal of the rejection is respectfully requested.

Claims 1, 4-9 and 15-17 are rejected under 35 U.S.C. §103(a) over Richmond et al. (U.S. Patent No. 6,990,592) in view of Ghys (U.S. Patent No. 7,076,039). The rejection is respectfully traversed.

Richmond and Ghys, alone or in any permissible combination, fail to teach and would not have rendered obvious the claimed combinations of features recited in independent claims 1 and 8. For example, Richmond and Ghys fail to teach and would not have rendered obvious "authorizing transmission of the packet only if the estimated bit rate value for the packet does not exceed the predetermined maximum authorized bit rate value for packets of initialization messages," as recited in independent claims 1 and 8. (Emphasis added).

Richmond relates to a system for controlling the use of network resources at an entry point to the network. The system performs this control by using packet rules that include a condition and an action to be taken if a packet satisfies the condition. A packet rule may be defined to examine any portion of a packet, such as an identifier of the packet sender or a logical port number. Actions defined by packet rules may include assigning rate limiting to a packet. Rate limiting allows the control of the bandwidth assigned to a user so that a packet is dropped if a limiting rate is reached.

Ghys relates to a method for call charging in a data transmission system including a transport network and a call server for controlling communication sessions over the transport network. Signal messages are used to control the communication sessions. To avoid the theft of service, signaling messages are analyzed to determine the amount of non-signaling information. For charging purposes, the call server processes the amount of non-signaling information. In particular, the system determines the amount of data that exceeds a predetermined amount of data (representing a maximum allowable amount of signaling data) by determining the amount of non-signaling data (see e.g. col. 2, lines 14-19 of Ghys).

Independent claims 1 and 8 are directed to controlling the exchange of initialization message packets, without analyzing their content, to avoid illicit exchanges of multimedia information over a network as initialization packets. The claims accomplish this task by estimating the bit rate value of the initialization message packets and comparing the estimated value to an authorized bit rate value. That is, in independent claims 1 and 8, a bit rate value is related to an amount of data transmitted over a certain amount of time, while in Ghys, a maximum allowable amount of signaling data is a static value that is simply a characteristic of a message at a given time. A bit rate value of packets does not correspond to an amount of data in a message.

For example, if the size of a message is 1,000 bytes, the message should be considered as including payload data if the maximum allowable amount of signaling data is 800 bytes. However, the message can still be processed if it is the only one transmitted over a period of one minute and if the maximum allowable bit rate is 50 bytes per second. Conversely, if the size of a message is 800 bytes, the message should be considered as not including payload data if the maximum allowable amount of signaling data is 1,000 bytes. However, the message should be rejected if it is transmitted over one minute and if the maximum allowable

bit rate is 10 bytes per second. The above example further illustrates the differences between "rate" and "amount".

In addition, one of ordinary skill would not have combined the features of Richmond and Ghys according to known methods to yield predictable results. MPEP § 2143 (A). Richmond and Ghys are directed to different problems. Richmond is directed to the control of network resources, while Ghys is directed to call charging. In other words, Richmond is directed to rules for transmitting or not transmitting packets, while Ghys is focused on estimating the amount of exchanged payload data that should be charged.

In addition, as discussed above, the independent claims 1 and 8 are directed to dropping signaling messages that include non-signaling information. The teachings of Ghys, however, are in direct contradiction with the features of independent claims 1 and 8, because Ghys is directed to the determination of the amount of the non-signaling information in signaling messages for charging purposes (see e.g. col. 2, lines 1-4 of Ghys).

Even if the teachings of Richmond and Ghys were combined, the resulting system would still not include all features of claim 1 and 8. The resulting combination would have instead achieved a system that includes packet rules for controlling packet transmission and charging rules adapted to estimate payload data transmitted in signaling messages. This resulting combination is different from claims 1 and 8, where particular packets of initialization messages are dropped in view of a bit rate threshold.

Ghys also does not disclose "estimating a bit rate value for at least one packet amongst a plurality of initialization message packets received by the monitoring server; comparing the estimated bit rate value to a predetermined maximum authorized bit rate value for packets of initialization messages; and authorizing transmission of the packet only if the estimated bit rate value for the packet does not exceed the predetermined maximum authorized bit rate value for packets of initialization messages," as recited in independent claims 1 and 8

(emphasis added). Rather, Ghys merely teaches comparing an amount of data of each signaling message with a maximum allowable amount of signaling data (see e.g. col. 2, lines 14-19 of Ghys).

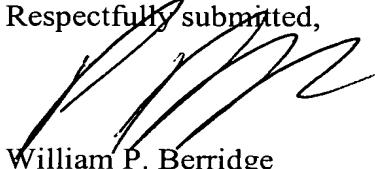
Withdrawal of the rejection is respectfully requested.

Claims 2, 11 and 13 are rejected under 35 U.S.C. §103(a) over Richmond in view of Ghys and further in view of Vaid et al. (U.S. Patent No. 6,502,131); claims 3, 12 and 14 are rejected under 35 U.S.C. §103(a) over Richmond in view of Ghys and further in view of Official Notice; and claim 10 is rejected under 35 U.S.C. §103(a) over Richmond in view of Ghys and further in view of Vaid and Official Notice. Applicants respectfully traverse the rejections.

Claims 2, 3 and 10-14 depend from independent claim 1, and are patentable for at least their dependency on independent claim 1, as well as for the additional features they recite. Withdrawal of the rejections is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,  
  
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